



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MURAKAMI et al.

Arty. Ref.: 249-230

Serial No. 09/482,731

Group: 1771

Filed: January 14, 2000

Examiner: H. Vo

For: SOUND ABSORBING STRUCTURE

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August 2, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION UNDER 37 C.F.R. §1.132

I, Atsushi Murakami, do hereby declare and state that:

1. I received a degree in Biochemistry and Engineering from Tohoku University in 1994.
2. I am currently employed as a researcher at Nichias Corporation, and have been employed as such since 1994. Nichias Corporation develops and manufactures a diversified range of products ranging from thermal insulation, sealing and building materials to newly created materials such as fluoropolymers, new ceramics, and highly functional hybrid materials.
3. I have worked in the Research Center of the Nichias Corporation, specializing in processing of resin materials and technologies relating to physical properties. In particular, I researched and developed a sound absorption structure made

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of cellular rubber, which research was presented in "The Society of Rubber Industry, Japan" in 2000, "The Japan Society of Mechanical Engineers" in 2002 and "Nichias Technical News" in 2001. I also have developed a binder for sound absorption heat-insulating material made of rock wool and have developed a gasket made of foam for automobiles.

4. I am the first listed inventor of the subject patent application.

5. I have reviewed the Official Action from the U.S. Patent and Trademark Office dated May 7, 2002, and I have reviewed International Patent Publication WO 96/28297 (WO '297). WO '297 describes a sound absorbing component including an expanded body of a fiber-reinforced thermoplastic resin having a voidity of at least 50 vol. % and a resin molded body. Although WO '297 discloses inclusion of thermoplastic elastomer as a thermoplastic resin expanded body, the material according to WO '297 is reinforced by glass fibers and the like. It is well known that fiber-reinforced resins are very hard. WO '297 incidentally discloses a thermoplastic elastomer as a material for a matrix; however, WO '297 includes the reinforcing fiber as a required component. More specifically, WO '297 describes that the reinforcing fibers used for producing the fiber-reinforced thermoplastic resin expanded body are selected from various inorganic fibers such as glass fibers, carbon fibers, or metal fibers, and WO '297 specifies that glass fibers are especially preferred because they can achieve high sound absorption and reinforcement effects at low cost. With this construction, it is clear that a material according to WO '297 is harder than the material according to the claimed invention.

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6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under the laws of the United States, Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

August 5, 2002
Date

Atsushi Murakami
Atsushi Murakami